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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/552,076

10/04/2005

Andrei Terechko

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07/07/2010

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

VICARY, KEITH E

ART UNIT

PAPER NUMBER

2183

MAIL DATE

DELIVERY MODE

07/07/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/552,076	Applicant(s) TERECHKO, ANDREI	
	Examiner KEITH VICARY	Art Unit 2183	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-8 are pending in this office action and presented for examination.

Claims 1 and 5 are newly amended by amendment filed 4/2/2010, which was made under 37 CFR 41.50(b)(1) to address a new ground of rejection made by the Board in the decision mailed 9/25/2009. MPEP 1214.01 states that "[i]f the examiner does not consider that the amendment and/or new evidence overcomes the rejection, he or she will again reject the claims. If appropriate, the rejection will be made final." Examiner does not believe that the amendment filed 4/2/2010 overcomes this new ground of rejection (explained in depth in the 112 section below), and no new rejection is presented; consequently, the claims are rejected and made final.

Examiner notes that page 3 of the Board decision mailed 9/25/2009 states that "We reverse, *pro forma*, the Examiner's rejection of the claims over the prior art, because the claims are indefinite under 35 U.S.C. 112, second paragraph. Rejections of claims over prior art should not be based on speculation and assumptions as to the scope of the claims. See *In re Steele*, 305 F.2d 859, 862 (CCPA 1962)."

Consequently, although the examiner believes that the previously given rejection of the claims over the prior art remains relevant to the instant claims, this rejection is not currently pending in view of the continued indefinite issues as elaborated below, as well as MPEP 1214.01 which states that the new ground of rejection raised by the Board does not reopen prosecution except as to that subject matter to which the new rejection was applied.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 1 recites the limitation “one or more additional pipeline registers is arranged in said control connections depending on the distance between said instruction unit and said clusters, and wherein said pipeline registers are between any two of said clusters with a dedicated direct signal data signal connection therebetween” in lines 7-10.

It is indefinite as to how, or if, the pipeline registers that are “between any two of said clusters with a dedicated direct signal data signal connection therebetween” are the same as the “one or more additional pipeline registers” arranged in the control connections.

In the instant disclosure (particularly page 4, lines 18-29 which have been cited by applicant), the pipeline register that is arranged in the control connection paths, in order to pipeline the control signals, is not described as being between any two of the clusters.

Consequently, one skilled in the art cannot reasonably ascertain how, or if, the same pipeline register or registers are both arranged in the control connections and

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somehow also between any two of the clusters, and the claims thus fail to pass muster under 35 U.S.C. 112, second paragraph.

In the amendment filed 4/2/2010, which was made under 37 CFR 41.50(b)(1) to address the aforementioned indefinite rejection made by the Board in the decision mailed 9/25/2009, applicant amended the claim to replace the “adapted to” language with a more positively recited alternative. However, this change does not address the aforementioned 112 issue, namely that one skilled in the art cannot reasonably ascertain how, or if, the same pipeline register or registers are both arranged in the control connections and somehow also between any two of the clusters. Therefore, the rejection is sustained.

- a. Claims 2-4 are rejected for failing to alleviate the rejection of claim 1 above.

5. Claim 5 recites the limitation “one or more additional pipeline registers are arranged in said control connections depending on the distance between said instruction unit and clusters, and wherein said pipeline registers are between any two of said clusters with a dedicated direct signal data signal connection therebetween” in lines 7-10.

It is indefinite as to how, or if, the pipeline registers that are “between any two of said clusters with a dedicated direct signal data signal connection therebetween” are the same as the “one or more additional pipeline registers” arranged in the control connections.

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In the instant disclosure (particularly page 4, lines 18-29 which have been cited by applicant), the pipeline register that is arranged in the control connection paths, in order to pipeline the control signals, is not described as being between any two of the clusters.

Consequently, one skilled in the art cannot reasonably ascertain how, or if, the same pipeline register or registers are both arranged in the control connections and somehow also between any two of the clusters, and the claims thus fail to pass muster under 35 U.S.C. 112, second paragraph.

In the amendment filed 4/2/2010, which was made under 37 CFR 41.50(b)(1) to address the aforementioned indefinite rejection made by the Board in the decision mailed 9/25/2009, applicant amended the claim to replace the “adapted to” language with a more positively recited alternative. However, this change does not address the aforementioned 112 issue, namely that one skilled in the art cannot reasonably ascertain how, or if, the same pipeline register or registers are both arranged in the control connections and somehow also between any two of the clusters. Therefore, the rejection is sustained.

- b. Claims 6-8 are rejected for failing to alleviate the rejection of claim 5 above.

Response to Arguments

6. Applicant argues on page 5 that the dedicated direct signal connection between any two clusters is well within the requirements of 35 U.S.C. 112, second paragraph, and therefore the rejection can no longer be sustained.

However, as explained in depth in the immediately preceding 112 rejection section above, the rejection has not been overcome by the amended limitations. Applicant references "reasons set forth in above" in making the above argument; however, applicant merely reproduces a section of the specification which is stated to provide support for the amended limitations, and does not address the indefiniteness issues set forth in the Board decision dated 9/25/2009.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEITH VICARY whose telephone number is (571)270-1314. The examiner can normally be reached on Monday - Thursday, 7:00 a.m. - 5:30 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie Chan can be reached on 571-272-4162. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Eddie P Chan/
Supervisory Patent Examiner, Art Unit 2183

/Keith Vicary/
Examiner, Art Unit 2183